

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

-v- :

JAMES FOX, :

Defendant. :

- - - - -x

USDC SDNY
DOCUMENT
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DATE FILED: MAY 14 2008

: INFORMATION

: S1 07 Cr. 893 (GBD)

COUNT ONE

The United States Attorney charges:

1. From at least in or about early 2007 through and including May 16, 2007, in the Southern District of New York and elsewhere, JAMES FOX, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JAMES FOX, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Sections 812, 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

3. On or about February 14, 2007, in the Southern District of New York, JAMES FOX, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of methamphetamine, its salts, isomers, and salts of its isomers.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

4. As a result of committing the foregoing controlled substance offenses alleged in Counts One and Two of this Information, JAMES FOX, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property, real and personal, that constitutes or is derived, directly or indirectly, as a result of the offenses and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One or Two of this Information, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses alleged in Counts One and Two of this Information.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841, 846 and 853.)



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**(Title 21, United States Code,
Sections 812, 841, 846 and 853;
Title 18, United States Code, Section 2.)**

**MICHAEL J. GARCIA
United States Attorney.**
